IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 5668 of 2005

Between:

1 The Secretary to Government, YAT&C Department, A.P. Secretariat, Hyderabad
2 The Director, Department of Cultural, A.P., Hyderabad.

..... PETITIONERS

AND

Sri P. Ravinder Raju H. No. 4-4-242/5, Inderbagh, Sultan Bazar, Koti, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or Direction more particularly one in the nature of Writ of Certiorari and calling for the records relating to the order passed in O.A. No. 2848of 2000 dated 21-9-2004 on the file of the Hon'ble A.P. Administrative tribunal, Hyderabad and quash the same as illegal, arbitrary and pass such other order or orders as deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: GP FOR SERVICES II

Counsel for the Respondent: MR.M.RATNA REDDY (CAVEATOR).

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed by the Government assailing the order, dated 21.09.2004, passed by the A.P. Administrative Tribunal in O.A.No.2848 of 2000.

2. The matter relates to selection and appointment to the post of lecturer in Kathak dance. The petitioner submits that in pursuance of the notification, dated 19.06.1995, issued by the 2nd respondent, selections took place for appointment to the post of lecturer and one Mr. Sanjay Kumar Joshi stood first and the respondent stood second in the selection. However, the appointment of Mr. Joshi could not take place on account of certain O.As. and Writ Petitions filed against selection committee. Ultimately, when the appointment order was issued to Joshi on 20.01.2000, he refused to join. Therefore, the O.A. was filed by the respondent herein directing the authorities to appoint him as Assistant Lecturer in Kathak dance being a lone waiting list candidate.

3. The Tribunal after considering the mater observed as follows:

> "From the submissions made by both the parties, it appears that only on account of the pendency of the Writ Petition filed by the 3rd respondent, the case of the applicant was not considered, though, he is immediate senior to one Sri Joshi, who did not join in the post and preferred to join elsewhere. When once, it is shown as the applicant is entitled to be appointed as Assistant Lecturer in Kathak, the same cannot be denied to him. When other person who was appointed did not join in the same post. It is not open to say that the panel is lapsed. So, in the circumstances, the case of the applicant shall be considered for being appointed as Assistant Lecturer in Kathak and accordingly, necessary orders should be passed, giving posting orders to him

within a period of three months from the date of receipt of a copy of this order. Accordingly, the O.A. is disposed of."

4. The learned Government Pleader now submits that keeping of the waiting list is no more in force as the Government issued G.O.Ms.No.544, General Administration (Services-A) Department, dated 04.12.1998, dispensing with the waiting list. But, in the instant case, the selections relate to the year 1995 and the Government Order was passed in the year 1998, and therefore, the Government Order cannot be made applicable to the selections already made in 1995.

5. Under those circumstances, we do not find any ground to interfere with the order of the Tribunal.

6. Accordingly, the Writ Petition is dismissed. No costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 23.03.2005

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To

1 The Secretary to Government, YAT&C Department, A.P. Secretariat, Hyderabad
2 The Director, Department of Cultural, A.P., Hyderabad.

3 2 CCs to the G.P. for Services-II, High Court of A.P., Hyderabad (OUT).

4 2 CD copies